

COMMUNITY CARE AND ASSISTED LIVING APPEAL BOARD

*Community Care and Assisted Living Act,
SBC 2002, c.75*

APPELLANT: SBR (Operator of a Licensed Child-Care Facility)

RESPONDENT: Clifford Daly, Assistant Director of Health Protection, Licensing Practice, Interior Health Authority

PANEL: Susan E. Ross, Chair

Interim Stay Order

[1] On May 1, 2006 the appellant commenced an appeal to the Board of a reconsideration decision of the Interior Health Authority (Clifford J. Daly, Assistant Director of Health Protection, Licensing Practice) dated April 25, 2006. The decision under appeal cancelled the appellant's licence to operate a child care facility under section 13(1) of the *Community Care and Assisted Living Act*. The cancellation of the licence was to be effective on May 5, 2006.

[2] From May 1 to 4, 2006, the Board requested the parties' written submissions on the appellant's request for an order of the Board staying the cancellation of the licence pending the disposition of the appeal.

[3] The respondent intends to oppose the application for a stay pending resolution of the appeal, requests an extension of the time to file written submissions on the issue, and consents to a stay of one week for that purpose.

[4] Having considered the parties' materials and representations, the Board is satisfied that it would not risk the health or safety of a person in care to stay the decision to cancel the appellant's licence to operate a group child care facility in order to receive and deliberate on the respondent's considered submissions opposing the appellant's request for a stay until disposition of the appeal.

[5] Under section 29(6) of the *Community Care and Assisted Living Act* and sections 15, 26(9) and 50(2) of the *Administrative Tribunals Act*, the Board orders that the cancellation decision under appeal is hereby stayed until 9:00 pm on Friday May 12, 2006 or until further order of the Board.

[6] The Board Registry will inform the parties of the schedule for delivery of the respondent's submissions on whether a stay should be granted until disposition of the appeal and any reply from the appellant.

May 4, 2006

Susan E. Ross, Chair